

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 MALCOLM GRAY,

Case No. 2:18-cv-01618-JAD-GWF

5 Plaintiff,

ORDER

6 v.

7 DAVE DZURUNDA et al.,

8 Defendants.

9 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by
10 a state prisoner. Plaintiff paid the full filing fee in this matter. (ECF No. 2-1). The Court
11 entered a screening order on January 29, 2019. (ECF No. 5). A follow-up order imposed
12 a 90-day stay and the Court entered a subsequent order in which the parties were
13 assigned to mediation by a court-appointed mediator. (ECF Nos. 9, 12). The Office of
14 the Attorney General has filed a status report indicating that settlement has not been
15 reached and informing the Court of its intent to proceed with this action. (ECF No. 16).

16 **IT IS THEREFORE ORDERED** that:

17 1. The Clerk of the Court shall electronically **SERVE** a copy of this order and
18 a copy of Plaintiff's complaint (ECF No. 2) on the Office of the Attorney General of the
19 State of Nevada, by adding the Attorney General of the State of Nevada to the docket
20 sheet. This does not indicate acceptance of service.

21 2. Service must be perfected within ninety (90) days from the date of this order
22 pursuant to Fed. R. Civ. P. 4(m).

23 3. Subject to the findings of the screening and follow-up orders (ECF Nos. 5,
24 9), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's
25 Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants
26 for whom it accepts service; (b) the names of the defendants for whom it does not accept
27 service, and (c) the names of the defendants for whom it is filing the last-known-address

1 information under seal. As to any of the named defendants for whom the Attorney
2 General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve
3 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
4 information. If the last known address of the defendant(s) is a post office box, the Attorney
5 General's Office shall attempt to obtain and provide the last known physical address(es).

6 4. If service cannot be accepted for any of the named defendant(s), Plaintiff
7 shall file a motion identifying the unserved defendant(s), requesting issuance of a
8 summons, and specifying a full name and address for the defendant(s). For the
9 defendant(s) as to which the Attorney General has not provided last-known-address
10 information, Plaintiff shall provide the full name and address for the defendant(s).

11 5. If the Attorney General accepts service of process for any named
12 defendant(s), such defendant(s) shall file and serve an answer or other response to the
13 complaint (ECF No. 2) within **sixty (60) days** from the date of this order.

14 6. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has
15 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
16 document submitted for consideration by the Court. Plaintiff shall include with the original
17 document submitted for filing a certificate stating the date that a true and correct copy of
18 the document was mailed or electronically filed to the defendants or counsel for the
19 defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service
20 to the individual attorney named in the notice of appearance, at the physical or electronic
21 address stated therein. The Court may disregard any document received by a district
22 judge or magistrate judge which has not been filed with the Clerk of the Court, and any
23 document received by a district judge, magistrate judge, or the Clerk of the Court which
24 fails to include a certificate showing proper service.

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7. This case is no longer stayed.

DATED THIS 7th day of June 2019.


UNITED STATES MAGISTRATE JUDGE